

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

-against-

TYRONE ROBINSON,
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**FILED
CLERK**

11:54 am, Mar 14, 2019

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

**MEMORANDUM OF
DECISION & ORDER
16-CR-545 (S-3)(ADS)**

APPEARANCES:

United States Attorney's Office, Eastern District of New York

Attorneys for the United States

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By: Robert P. LaRusso, Esq., Of Counsel.

SPATT, District Judge:

On August 14, 2018, the Defendant brought motions to suppress evidence seized from a 2016 Black Chrysler Van with New Jersey license M23GCW (the "Rental Van") and evidence seized without a warrant from a cellphone with the number (718) 350-0346 (the "Roof Cellphone").

On November 13, 2018, the Court granted the Defendant's motion for a limited suppression hearing to address the factual circumstances regarding the seizures. The Court referred the hearing to United States Magistrate Judge Anne Y. Shields for a recommendation.

Pursuant to that Order, Judge Shields held a suppression hearing on February 4, 6 and 7, 2019 and on February 27, 2019 issued a Report and Recommendation (“R&R”) recommending that the referred motions to suppress be denied. Specifically, Judge Shields found that: (1) “the totality of facts developed at the hearing establish that [the Defendant] abandoned the Rental Van, and therefore lacked a privacy interest that would allow him to complain of an unconstitutional search”; and (2) “[b]ased upon a review of the entirety of the testimony and photographs at the hearing,” the Defendant abandoned the Roof Cellphone on the roof of 147 Smith, depriving him of a privacy interest therein. R&R at 28.

In reviewing a report and recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). ““To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.”” *United States v. Muhammad*, No. 12-cr-337, 2012 WL 6043589, at *1 (E.D.N.Y. Dec. 5, 2012) (Spatt, J.) (quoting *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y.2003)).

The Court has reviewed Judge Shields’s R&R and finds it to be persuasive and without any legal or factual errors. There being no objections, the Court adopts the R&R in its entirety. Therefore, the Court denies the Defendant’s motions to suppress evidence seized from the Rental Van and the Roof Cell Phone in their entirety.

It is **SO ORDERED.**

Dated: Central Islip, New York

March 14, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge